

1 KEKER, VAN NEST & PETERS LLP
2 R. JAMES SLAUGHTER - # 192813
3 rslaughter@keker.com
4 LUKE APFELD - # 327029
5 lapfeld@keker.com
6 633 Battery Street
7 San Francisco, CA 94111-1809
8 Telephone: 415 391 5400
9 Facsimile: 415 397 7188

10 Attorneys for Non-Party Electronic Arts Inc.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

14 IN RE COLLEGE ATHLETE NIL
15 LITIGATION

Case No. 4:20-cv-03919-CW

16 **DECLARATION OF BETSY CONTRO**
17 **IN SUPPORT OF NON-PARTY**
18 **ELECTRONIC ARTS INC.'S**
19 **STATEMENT IN SUPPORT OF**
20 **PLAINTIFFS' AND DEFENDANTS'**
21 **JOINT ADMINISTRATIVE OMNIBUS**
22 **MOTION TO SEAL**

23 Judge: Hon. Claudia Wilken
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DECLARATION OF BETSY CONTRO IN SUPPORT OF NON-PARTY ELECTRONIC ARTS INC.'S
STATEMENT IN SUPPORT OF PLAINTIFFS' AND DEFENDANTS' JOINT ADMINISTRATIVE OMNIBUS
MOTION TO SEAL

Case No. 4:20-cv-03919-CW

1 I, Betsy Contro, state and declare as follows:

2 1. I am not a party to this action and am more than eighteen years of age. I submit
3 this declaration pursuant to Northern District of California Civil Local Rule 79-5. Unless
4 otherwise stated, the contents of the declaration are based on my personal knowledge, and if
5 called as a witness in this matter, I could and would competently testify thereto.

6 2. I am currently Senior Counsel, Litigation at Electronic Arts Inc. (“EA”). EA is one
7 of the world’s leading digital interactive entertainment companies. It develops, publishes, and
8 distributes games, content, and services for video game consoles, personal computers, and mobile
9 devices. As Senior Counsel, Litigation, I am responsible for managing EA’s civil litigation
10 matters, including EA’s collection and production of corporate documents. I am familiar with
11 EA’s document storage policies, including the steps EA takes to ensure that certain documents
12 and information remain confidential and are accessible only by a limited group of authorized
13 employees.

14 3. I understand that Plaintiffs and Defendants in the above-captioned litigation have
15 submitted briefing, expert reports, and supporting documents relating to Plaintiffs’ motion for
16 class certification. I understand that portions of these materials include reference to EA business
17 material and information that has been designated “Highly Confidential—Counsel Only.” I have
18 reviewed the excerpts in the Parties’ respective papers and reports, which were provided to EA’s
19 outside counsel in an unredacted or summarized form by Defendants’ counsel on September 15,
20 2023. EA seeks to keep the information identified in **Exhibit A**, attached hereto, under seal.

21 4. The business material EA seeks to keep under seal is all non-public information
22 internal to EA. The information relates to: (i) contract negotiations, licensing, and terms of
23 various EA agreements with third parties; (ii) EA’s competitive financial information, including
24 sales data and projections; and (iii) internal assessments, projections, and development
25 discussions regarding an unreleased EA College Football video game.

26 5. Regarding contract negotiations, licensing, and terms of various EA agreements
27 with third parties, EA does not publicly disclose its approach to contract negotiations, the
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1 negotiations themselves, or the terms of its agreements with third parties and partners. The
2 negotiations and terms of such agreements are commercially sensitive information, and EA's
3 other partners could use them if publicly disclosed to gain a strategic advantage in future
4 negotiations with EA. EA would be prejudiced by the public disclosure of this information. EA's
5 prejudice could not be avoided through any less restrictive alternative to sealing.

6 6. Regarding EA's competitive financial information, EA does not publicly disclose
7 revenue-based data or performance metrics pertaining to its suite of video game titles. Such data
8 is used to determine EA's competitive, marketing, and business strategies. It is commercially
9 sensitive information, and EA's partners or competitors could use it if publicly disclosed to gain a
10 strategic advantage in future negotiations or in competition with EA. EA would be prejudiced by
11 the public disclosure of this information. EA's prejudice could not be avoided through any less
12 restrictive alternative to sealing.

13 7. As to EA's internal assessments, projections, and development discussions
14 regarding an unreleased EA College Football video game, EA does not publicly disclose internal
15 assessments, projections, or development discussions regarding unreleased video game titles,
16 including the proposed College Football game title. Such information is commercially sensitive,
17 and EA's partners or competitors could use it if publicly disclosed to gain a unique insight and
18 strategic advantage in future negotiations or competition with EA. EA would be prejudiced by the
19 public disclosure of this information. EA's prejudice could not be avoided through any less
20 restrictive alternative to sealing.

21 8. EA strictly restricts public dissemination of the business material, data, and
22 information identified in the paragraphs above. EA takes steps to preserve the confidentiality of
23 this type of information to protect EA's competitive position.

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1 I declare under penalty of perjury under the law of the State of California that the
2 foregoing is true and correct, and that this declaration was executed in Los Gatos, California on
3 October 13, 2023.

4 DocuSigned by:
5 *Betsy Contro*
6 07BA68ADB064466...
7 Betsy Contro